

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD HART,

Plaintiff,

vs.

CSP-SOLANO, et al.,

Defendants.

Case No. CIV S-02-0577 JKS-P

ORDER

This is a § 1983 action brought by prisoner Plaintiff Richard Hart challenging grooming regulations that require him to cut his hair. On July 11, 2005, this Court dismissed Hart's claims and entered judgment in favor of the State. Docket Nos. 54; 55. On August 5, 2005, Hart filed his notice of appeal. Docket No. 56. He subsequently filed—in this Court rather than in the appellate court—a motion to proceed with his appeal *in formera pauperis* because he is unable to afford the costs associated with the appeal. Docket No. 60. He provides an affidavit and documentary evidence to that effect.

Section 1915(a)(3) of Title 28 prevents a prisoner from obtaining *in formera pauperis* status on appeal if the trial court determines that the appeal is “not taken in good faith.” Whatever the Court's position on the reasonableness of Hart's appellate prospects may have been, it is clear that given the Ninth Circuit's recent decision in *Warsoldier v. Woodford*, __ F.3d __, 2005 WL 1792117 (9th Cir. July 29, 2005), his appeal is certainly taken in good faith. Accordingly, the motion to proceed *in forma pauperis* at **Docket No. 60** is **GRANTED**.

IT IS SO ORDERED.

Dated at Anchorage, Alaska, this 2nd day of September 2005.

/s/ James K. Singleton, Jr
JAMES K. SINGLETON, JR.
United States District Judge